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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION**

HO KEUNG TSE,

Plaintiff,

V.

APPLE INC. et al.,

**Defendant.**

Case No. 06-06573 SBA

**JOINT STIPULATION AND  
ORDER REGARDING  
PLAINTIFF'S DISCLOSURE OF  
ASSERTED CLAIMS AND  
PRELIMINARY  
INFRINGEMENT  
CONTENTIONS AND CLAIM  
CONSTRUCTION DEADLINES**

## **STIPULATION**

WHEREAS Defendants filed a Motion to Strike Plaintiff's Disclosure of Asserted Claims and Preliminary Infringement Contentions on April 17, 2007, contending, *inter alia*, that deficiencies in Plaintiff's Disclosure of Asserted Claims and Infringement Contentions were prejudicing Defendants' ability to satisfy their Patent Local Rule obligations, particularly concerning claim construction;

WHEREAS Plaintiff filed a Response to Defendants' Motion to Strike on May 3, 2007, disputing the contentions of Defendants, but for the sake of advancement of the litigation, agreeing to suspend the exchange of claim construction pleadings and to accommodate

1 Defendants' requests that Plaintiff clarify his Disclosure of Asserted Claims and Preliminary  
2 Infringement Contentions;

3 WHEREAS a hearing on Defendants' Motion to Strike currently is set for May 22, 2007;

4 WHEREAS the parties have agreed to suspend the claim construction exchange and  
5 briefing schedule set forth in the Court's January 25, 2007 Case Management Scheduling Order  
6 to allow Plaintiff to address Defendants' concerns regarding Plaintiff's Disclosure of Asserted  
7 Claims and Preliminary Infringement Contentions.

8 ACCORDINGLY, IT IS STIPULATED THAT:

- 9 a. Within thirty (30) days from the date the Court enters the Order set forth below, or  
10 a substantially equivalent Order, Plaintiff shall serve an amended Disclosure of  
11 Asserted Claims and Preliminary Infringement Contentions addressing the  
12 concerns identified in Defendants' Motion to Strike;
- 13 b. The claim construction dates set forth in the January 25, 2007 Case Management  
14 Scheduling Order, including those relating to Patent Local Rules 4-1, 4-2, 4-3, 4-4,  
15 4-5 and 4-6, are temporarily stayed pending Plaintiff's service of an amended  
16 Disclosure of Asserted Claims and Preliminary Infringement Contentions;
- 17 c. Upon service of Plaintiff's amended Disclosure, the parties shall meet and confer  
18 about the sufficiency of Plaintiff's amended Disclosure of Asserted Claims and  
19 Preliminary Infringement Contentions and about a proposed schedule for the claim  
20 construction dates;
- 21 d. The parties shall submit a proposed schedule for the claim construction dates to the  
22 Court by no later than June 30, 2007 or, if they cannot agree about the sufficiency  
23 of Plaintiff's amended Disclosure of Asserted Claims and Preliminary  
24 Infringement Contentions or on a proposed schedule by that date, shall request a  
25 status conference; and
- 26 e. The hearing on Defendants' Motion to Strike set for May 22, 2007 is vacated.

1 Dated: May 4, 2007

2 Respectfully submitted by:

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24 For Defendants NAPSTER, INC. &  
25 REALNETWORKS, INC.

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19      For Defendant SONY CONNECT INC.

## ORDER

**IT IS HEREBY ORDERED THAT:**

- a. Within thirty (30) days from the date the Court enters the Order set forth below, or a substantially equivalent Order, Plaintiff shall serve an amended Disclosure of Asserted Claims and Preliminary Infringement Contentions addressing the concerns identified in Defendants' Motion to Strike;
  - b. The claim construction dates set forth in the January 25, 2007 Case Management Scheduling Order, including those relating to Patent Local Rules 4-1, 4-2, 4-3, 4-4, 4-5 and 4-6, are temporarily stayed pending Plaintiff's service of an amended Disclosure of Asserted Claims and Preliminary Infringement Contentions;
  - c. Upon service of Plaintiff's amended Disclosure, the parties shall meet and confer about the sufficiency of Plaintiff's amended Disclosure of Asserted Claims and Preliminary Infringement Contentions and about a proposed schedule for the claim construction dates;
  - d. The parties shall submit a proposed schedule for the claim construction dates to the Court by no later than June 30, 2007 or, if they cannot agree about the sufficiency of Plaintiff's amended Disclosure of Asserted Claims and Preliminary Infringement Contentions or on a proposed schedule by that date, shall request a status conference; and
  - e. The hearing on Defendants' Motion to Strike set for May 22, 2007 is vacated.

Dated: May 14, 2007

By:

Sandra B. Armstrong  
Sandra Brown Armstrong

Saundra Brown Armstrong  
United States District Judge

1 I attest that Joe Zito, Patricia Young, Michelle Carniaux, and Jennifer Kash have  
2 authorized me to electronically sign this document on their behalf.  
3

4 Dated: May 4, 2007 MORRISON & FOERSTER LLP  
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6 By: \_\_\_\_\_ /S/  
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